

SENATE BILL No. 347

DIGEST OF INTRODUCED BILL

Citations Affected: IC 9-13-2; IC 9-26; IC 34-30-2-31.5.

Synopsis: Release of vehicle accident reports. Provides that certain reports concerning motor vehicle accidents are confidential for the first 60 days after filing with a public agency and may be released only to certain persons during that period. Provides that a person who discloses this confidential information commits a Class A misdemeanor. Provides that a person who obtains or attempts to obtain this confidential information when the person knows that the person is not entitled to receive the information commits a Class A misdemeanor. Provides that a person who unintentionally and unknowingly discloses confidential or erroneous information in response to a request or who discloses confidential information in reliance on an advisory opinion by the public access counselor is immune from liability for the disclosure.

Effective: July 1, 2004.

Waterman

January 12, 2004, read first time and referred to Committee on Rules and Legislative Procedure.

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Second Regular Session 113th General Assembly (2004)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2003 Regular Session of the General Assembly.

SENATE BILL No. 347

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 9-13-2-69.1 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2004]: **Sec. 69.1. "Free distribution newspaper", for purposes of**
4 **IC 9-26-4.5, has the meaning set forth in IC 6-2.5-5-31.**

5 SECTION 2. IC 9-13-2-82.5 IS ADDED TO THE INDIANA CODE
6 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
7 1, 2004]: **Sec. 82.5. "Insurer", for purposes of IC 9-26-4.5, has the**
8 **meaning set forth in IC 9-26-4.5-2.**

9 SECTION 3. IC 9-13-2-111.5 IS ADDED TO THE INDIANA
10 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
11 [EFFECTIVE JULY 1, 2004]: **Sec. 111.5. "Newspaper", for purposes**
12 **of IC 9-26-4.5, has the meaning set forth in IC 9-26-4.5-3.**

13 SECTION 4. IC 9-13-2-145.3 IS ADDED TO THE INDIANA
14 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
15 [EFFECTIVE JULY 1, 2004]: **Sec. 145.3. "Qualified publication",**
16 **for purposes of IC 9-26-4.5, has the meaning set forth in**
17 **IC 9-26-4.5-4.**



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SECTION 5. IC 9-13-2-145.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: **Sec. 145.5. "Radio or television medium", for purposes of IC 9-26-4.5, has the meaning set forth in IC 9-26-4.5-5.**

SECTION 6. IC 9-26-2-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 3. A report filed by a law enforcement officer under section 2 of this chapter is ~~not~~ a confidential record and shall be made available for inspection and copying ~~under IC 5-14-3~~ **only in the manner provided by IC 9-26-4.5.**

SECTION 7. IC 9-26-4.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]:

Chapter 4.5. Release of Accident Reports

Sec. 1. As used in this chapter, "free distribution newspaper" has the meaning set forth in IC 6-2.5-5-31.

Sec. 2. As used in this chapter, "insurer" means:

- (1) an insurer;
- (2) an insurance support organization;
- (3) a self-insured entity; or
- (4) an agent, an employee, or a contractor of a person described in subdivision (1), (2), or (3).

Sec. 3. (a) As used in this chapter, "newspaper" means a newspaper that:

- (1) is a daily, weekly, semiweekly, or triweekly newspaper of general circulation;
- (2) has been published for at least three (3) consecutive years in the same city or town;
- (3) has been entered, authorized, and accepted by the United States Postal Service for at least three (3) consecutive years as mailable matter of the periodicals class; and
- (4) has at least fifty percent (50%) of all copies circulated paid for by subscribers or other purchasers at a rate that is not nominal.

(b) The term does not include a newspaper:

- (1) intended primarily for members of a particular profession or occupational group;
- (2) with the primary purpose of distributing advertising; or
- (3) with the primary purpose of publishing names and other identifying personal information concerning the parties to a motor vehicle accident or the owner of property that was damaged during a motor vehicle accident.

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1 **Sec. 4.** As used in this chapter, "qualified publication" has the
2 meaning set forth in IC 5-3-1-0.7.

3 **Sec. 5.** As used in this chapter, "radio or television medium"
4 means a broadcasting station licensed by the Federal
5 Communications Commission as a radio or television station.

6 **Sec. 6.** Except as provided in section 7 of this chapter, a report
7 of a vehicle accident required to be filed under:

- 8 (1) IC 9-26-1-1(4);
- 9 (2) IC 9-26-1-2(3);
- 10 (3) IC 9-26-1-5;
- 11 (4) IC 9-26-1-6(a);
- 12 (5) IC 9-26-1-6(b); or
- 13 (6) IC 9-26-2-2;

14 is confidential and may not be disclosed to a person for sixty (60)
15 days after the date the report is filed with the appropriate public
16 agency.

17 **Sec. 7.** A report of a motor vehicle accident that is confidential
18 under section 6 of this chapter may be disclosed by the public
19 agency with which it was filed within sixty (60) days of the filing of
20 the report to the following:

- 21 (1) A party involved in the motor vehicle accident or an owner
22 of property that was damaged during the motor vehicle
23 accident.
- 24 (2) A legal representative of a person described in subdivision
25 (1).
- 26 (3) An insurer.
- 27 (4) A person with prosecutorial authority.
- 28 (5) A radio or television medium.
- 29 (6) A newspaper.
- 30 (7) A qualified publication.
- 31 (8) A free distribution newspaper.
- 32 (9) A state or federal agency authorized by another statute to:
33 (A) receive a copy of; or
34 (B) review;
35 the motor vehicle accident report.

36 **Sec. 8.** A public agency that receives reports as set forth in
37 section 6 of this chapter shall require a person requesting a report
38 under section 7 of this chapter to present proper credentials
39 identifying the person as a person authorized to receive the report
40 before the report is released to the person.

41 **Sec. 9.** A report filed as set forth in section 6 of this chapter may
42 be disclosed to any person beginning sixty-one (61) days after its

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filing, notwithstanding any statutory provision to the contrary.

Sec. 10. (a) A public employee, a public official, or an employee or officer of a contractor or subcontractor of a public agency, except as provided by IC 4-15-10, who knowingly or intentionally discloses information classified as confidential by this chapter commits a Class A misdemeanor.

(b) A public employee may be disciplined in accordance with the personnel policies of the agency by which the employee is employed if the employee intentionally, knowingly, or recklessly discloses or fails to protect information classified as confidential by this chapter.

(c) A public employee, a public official, or an employee or officer of a contractor or subcontractor of a public agency who unintentionally and unknowingly discloses confidential or erroneous information in response to a request under this chapter or who discloses confidential information in reliance on an advisory opinion by the public access counselor is immune from liability for the disclosure.

Sec. 11. A person who, knowing that the person is not entitled to obtain information considered confidential by this chapter, obtains or attempts to obtain the information commits a Class A misdemeanor.

SECTION 8. IC 34-30-2-31.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: **Sec. 31.5. IC 9-26-4.5-10 (Concerning a public employee, a public official, or an employee or officer of a contractor or subcontractor of a public agency for disclosure of certain confidential or erroneous information relating to a motor vehicle accident).**

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